

REMARKS

Upon entry of the present amendment, claims 1-7 and 13-27 will have been canceled. Further, claims 9 and 12 will have been written into independent form, and new dependent claims 29-42 will have been submitted for consideration by the Examiner. Additionally, claim 8 will have been amended.

Initially, Applicants would like to thank the Examiner for attaching the Notice of References Cited and PTO-1449 forms, the forms having been appropriately initialed by the Examiner to indicate consideration of the documents. Applicants also thank the Examiner for his indication that the drawings filed on November 4, 2003 have been accepted and for acknowledging receipt of certified copies of Applicants' priority documents.

Applicants also thank the Examiner for his indication that claim 28 is allowed and that claims 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form, and claims 10 and 11 (which depend from claim 9) were also objected to, but would be allowable if claim 9 were written into independent form.

In the outstanding Official Action, the Examiner rejected claims 1-4 and 27 under 35 U.S.C. § 102(b) as being anticipated by VEITH (U.S. 4,978,190). The Examiner also rejected claim 8 under 35 U.S.C. § 102(b) as being anticipated by HATORI (Japanese Application No. 07-339649, which published as 9-179155). The Examiner also rejected claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over VEITH. The

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Examiner also rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over VEITH in view of PEZESHKI et al. (U.S. 2004/0213515).

By the present response, Applicants have written objected to claims 9 and 12 into independent form, and added new dependent claims 29 and 30 which are similar to objected to dependent claims 10 and 11, and which depend from directly or indirectly from claim 12. Applicants have also canceled claims 1-7 and 13-27, but reserve the right to present the subject matter of these claims in a continuing application.

Claim 8 was rejected as anticipated by HATORI. HATORI discloses a wave emitted from an optical wavelength converting element 15. Further, HATORI discloses a fiber grating 23 arranged at a convergent position of laser beam 11, which is incident upon core edge face 23a. The fiber grating 23 includes a plurality of refractive index changing elements at its core. In other words, as is known, a fiber grating is an optical fiber in which the refractive index of the core varies periodically along its length, scattering light and transmitting or reflecting certain wavelengths selectively. Thus, while a fiber grating may produce an effect similar to the effect of a diffraction grating, it is structurally distinct from the structure recited in claim 8. For example, the refractive index of the core of a fiber grating varies periodically along its *length*, whereas claim 8 recites that the entrance *face* is provided with a structure that diffracts a light beam.

Claim 8 recites an entrance face that is provided with a structure that diffracts a light beam reflected by said entrance face. Thus, the diffracting structure of the present invention is certainly distinct from the fiber grating structure of HATORI. Accordingly, HATORI is inadequate and lacking in view of the recitations of claim 8.

Applicants note that they do not acquiesce in the propriety of the Examiner's rejections, but have amended and/or canceled claims solely to expedite prosecution.

Thus, in view of the arguments, Applicants submit that claims 8-12 and 28-42 are now in condition for allowance. With regard to dependent claims 10-11 and 29-42, Applicants assert that they are allowable on their own merit, in addition to being allowable by depending either directly or indirectly from independent claims 9 or 12, which the Examiner has deemed to be allowable.

It is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in any proper combination, and an indication to such effect is respectfully requested, in due course.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of the claims, as well as an indication of the allowability of each of the claims in view of the remarks.

SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have argued the allowability of the claims with respect to the cited prior art. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the recited claims are respectfully requested and now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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